

REMARKS

In the Official Action the Examiner has maintained the rejection of the claims for the same reasons previously set forth in the Examiner's previous official action. In particular, the examiner has rejected the claims under 35 USC § 103(a) as being unpatentable over Maniwa in view of Franklin et al. and further in view of Westmoreland for the reasons set forth therein.

With regard to the primary reference to Maniwa, Applicant respectfully submits that this reference is of little relevance to the present invention. Maniwa reference is directed to a network scanning system which utilizes a single scanning device such as a copier which is accessible by a number of different workstations/host machines. The Examiner has relied on this reference for the disclosure of formatting of the image so that it is appropriate when uploaded to the workstation. It is respectfully submitted that the Maniwa reference is distinguished by the present invention in numerous respects. First, there is no teaching or suggestion of providing a public network that is accessible by a browser allowing communication over a public network as taught and claimed by Applicant. Secondly, there is no teaching or suggestion that a stored electronic photographic image can be obtained by a photographer at an event. The images that are obtained by the Maniwa reference are simply those that are obtained by scanning of a device such as a copier. The present invention also clearly sets forth that electronic images are stored in the picture memory by a photographer and customers of the photographer. There is no teaching or suggestion of having customers that have access to the photographs taken by a photographer. Furthermore, there is no teaching of providing access to an image profiler. In the present invention, as set forth by independent claim 32, the profiler is accessible by the photographer or host of the event. Thus, in the present invention there is restricted access to the image profiler by one of the two identified individuals, i.e., photographer or host of the event. Furthermore, as previously discussed, the profiler is not the same as simply accessing the images. In the present invention, the profiler allows the arranging of the images as they are to be viewed and the providing of captions. In the present invention captions is information that is associated and displayed with a particular image. See Figure 17B which illustrates the placing of information such as text in association with

each of the images. Figure 16C illustrates the placing of the images in a particular sequence. What is disclosed in Maniwa is the storing of the images in a database for accessing. The formatting disclosed in Maniwa is directed to the format of the digital image for properly storing of the image. See column 17, lines 3-10.

The Examiner, in response to Applicant's previous responses, argues the Maniwa reference clearly discloses, in figures 6 and 9, images having been formatted according to a given attribute of images and therefore sequenced and captioned accordingly for a directory service in order to retrieve the image file. The Examiner is correct in the Maniwa is directed to being able to retrieve the file and display it on the appropriate display device. In the present invention, the image profiler is used for defining a sequence by the photographer or the host and providing of captions, i.e. text to be displayed with the associated images. The Maniwa reference does not teach either of these. As previously discussed, the formatting of images in Maniwa is directed to the displaying of the image appropriately on the display device. It is not the same thing as providing captions, i.e. information with respect to associated images. The ability to retrieve images in the present invention is accomplished as any other computer system by having appropriate file access names, but this is not what the claimed invention is directed to. The claimed invention is directed to specifically defining a specific order and sequence for displaying of the images and for providing of captions. Further as the Examiner has acknowledged, the Maniwa reference does not teach or suggest access to a server adapted to transact remote payment with respect to a financial institution for verifying payment of an order placed by a customer of a photographer. The Maniwa reference again fails to teach or suggest the present invention.

The Examiner has cited DMW as selling photos over the Internet, however, there is no teaching or suggestion in the DMW reference that the photographs are taken of a particular event as taught and claimed by Applicant. The DMW reference is simply directed to selling photographs. There is no teaching or suggestion of providing images obtained by a photographer at an event nor providing restricted access by a photographer or host with regard to an image profiler for the sequencing and captioning of stored electronic photographic images for display to customers of the photographer. There is no relationship to a web site that simply sells images (photographs) to that of the present invention

which has provided access to a server by a photographer or host for organizing images in a particular manner that are to be accessed by customers of the photographer.

The Examiner has argued that the references can be combined in that the references have very similar goals and motivation for customers to make transaction over a network to purchase images taken by a photographer at an event. As previously discussed, there is no teaching or suggestion that the DMW reference are directed to photographs taken at a particular event. What is disclosed is simply the ordering of images, i.e. photographs over a site. Further, in order to make an appropriate combination, there must be motivation, suggestion or teaching of the desirability of making a specific combination that was made by Applicant. Teachings of references can be combined only if there is some suggestion or incentive to do so. In the present invention, there is no teaching or suggestion or motivation to make the combination of the DMW reference with Maniwa.


The Examiner has also cited the Franklin reference for teaching of providing remote payment transaction. Again, Applicant respectfully submits that the Examiner is using hindsight in order to piecemeal individual references of the prior art to combine them to arrive at Applicant's invention.

Even if the Franklin reference was combined with Maniwa, it still fails to teach many aspects of the present invention. In particular, it fails to teach or suggest:

- 1) photographing images at an event and an order interface and communication link for allowing communication over a public network wherein the server provides access to electronic photographic images stored in the picture memory by the photographer and customers of the photographer;
- 2) providing access to the image profiler only by a photographer or host of the event;
- 3) the ability for the photographer host to provide a sequence and caption of the stored electronic photographs for display to the customer.

In order to properly reject the invention, each and every element must be disclosed by the prior art. The prior art fails to teach or suggest the above referenced items and therefore Applicant respectfully submit that the claims in their present form are in condition allowance.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.